

Revised 03/06 WDNV

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

**FORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT
(Non-Prisoner Context)**

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

A. Full Name of Plaintiff: *NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.*

ALLA NESTERENKO

-VS-

B. Full Name(s) of Defendant(s) *NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.*

1. CITY OF BUFFALO 4. _____
2. ROBERT ROMAN CITY INSPECTOR 5. _____
3. Buffalo City Court 6. _____
Patrick Carney, Judge of Buffalo
City Court

2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT

*All of these sections **MUST** be answered*

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

A. Basis of Jurisdiction in Federal Court: United States government is a party to the auction

State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.

B. Reason for Venue in the Western District: Defendants reside in Erie County, New York

Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.

C. Nature of Suit: VIOLATION OF CONSTITUTIONAL RIGHTS

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name of First Plaintiff: ALLA NESTERENKO

Present Address: 703 PERRY ST BUFFALO NY 14210

Name of Second Plaintiff: _____

Present Address: _____

DEFENDANT'S INFORMATION NOTE: To list additional defendants, use this format on another sheet of paper.

Name of First Defendant: CITY OF BUFFALO, ROBERT ROMAN

Official Position of Defendant (if relevant): CITY INSPECTOR

Address of Defendant: 65 Niagara Square, Buffalo NY 14202

Name of Second Defendant: Buffalo City Court

Official Position of Defendant (if relevant): Patrick Carney, Judge of Buffalo City

Address of Defendant: 50 Delaware ave Buffalo NY 14202 Court

Name of Third Defendant: _____

Official Position of Defendant (if relevant): _____

Address of Defendant: _____

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☐ No ☒

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court (if federal court, name the district; if state court, name the county): _____

3. Docket or Index Number: _____

4. Name of Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes ☐ No ☐

If not, give the approximate date it was resolved. _____

Disposition (check those statements which apply):

☐ Dismissed (check the statement which indicates why it was dismissed):

☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

☐ By court due to your voluntary withdrawal of claim;

☐ Judgment upon motion or after trial entered for

☐ plaintiff

☐ defendant.

5. STATEMENT OF CLAIM

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

A. FIRST CLAIM: On (date of the incident) On March 1, 2024,

defendant (give the name and (if relevant) the position held of each defendant involved in this incident) _____

City of Buffalo, Robert Roman city inspector
filed petition in Buffalo City Court to have

did the following to me (briefly state what each defendant named above did): me removed from my own house that I own my address 703 Perry St Buffalo NY 14210 for unfit living conditions.

City Inspector violated my constitutional rights by forcing himself and Buffalo Police Department Officer Lindsey Zgodla into my house, persecuting me repeatedly and threatening me to leave my house using intimidation tactics and force

The federal basis for this claim is: violation of constitutional rights violation of 4th and 5th amendments

State briefly **exactly** what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

I am asking this Court to grant emergency temporary restraining order and injunction against defendants, while I proceed with the case in this court

B. SECOND CLAIM: On (date of the incident) July 12, 2024

defendant (give the name and (if relevant) position held of each defendant involved in this incident) Buffalo City Inspector Robert Roman, Buffalo City Court judge Patrick Carney

did the following to me (briefly state what each defendant named above did): was a hearing in Buffalo City Court, City Court judge issued an order for me to vacate my house on August 12, 2024. I am deprived of my right to my property. I was not given a chance to present my case and speak. I am being forced out of my house based on discrimination

The federal basis for this claim is: Violation of 4th amendment and 14th amendment, violation of Constitutional rights

State briefly **exactly** what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

I am asking this Court to grant emergency temporary restraining order and injunction against defendants, while I proceed with the case in this court

If you have additional claims, use the above format to set them out on additional sheets of paper.

6. SUMMARY OF RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

Temporary Restraining Order, Emergency hearing
Injunction, Order prohibiting defendants of contacting
me and I would ask for justice in this
court to be served. Stay on Order from City Court
dated 7/12/2024 to be issued

Do you want a jury trial? Yes ☒ No ☐

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 7/12/2024
(date)

NOTE: Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.

J. Nestor

Signature(s) of Plaintiff(s)

STATE OF NEW YORK
COUNTY OF ERIE: BUFFALO CITY COURT

-----X
CITY OF BUFFALO

Plaintiff,

-against-

ALLA NESTERENICO

Defendant(s).

**ORDER TO VACATE
PREMISES**

Index No.: CR-4621-24
CV-530-24

Property Address:
703 PERRY (ENTIRE
BUILDING)

RECEIVED
CITY OF BUFFALO
JUL 12 2024

-----X
**ORDER TO VACATE PREMISES
EFFECTIVE AUGUST 12, 2024
WITH THE EXECPTION OF LICENSED
CONTRACTORS AND LICENSED
REALTOR**

Upon the Information, inspection reports and all prior proceedings herein, including information provided to the Court on **JULY 12, 2024** it is hereby:

ORDERED, that the City of Buffalo shall board up or secure the building located at **703 PERRY, ENTIRE BUILDING IMMEDIATELY UPON NOTICE** of this order; and it is further

ORDERED, that the City of Buffalo shall stencil a notice on the board covering the front entrance to that building, stating:

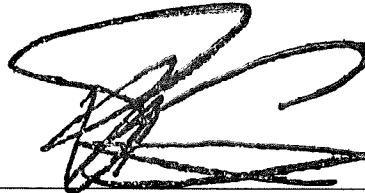
**ORDER TO VACATE – IF YOU ARE FOUND ON THIS PROPERTY, YOU MAY
BE REMOVED IMMEDIATELY BY THE BUFFALO POLICE DEPARTMENT,
ARRESTED AND CHARGED WITH CRIMINAL CONTEMPT IN THE SECOND**

DEGREE IN VIOLATION OF PENAL LAW § 215.50(3), WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO ONE YEAR AND/OR A \$1,000 FINE.”

It is further **ORDERED** that the BUFFALO POLICE DEPARTMENT may use any and all means necessary to enforce this Order, including but not limited to breaking down doors or other barriers in order to gain access into any building; and it is further

ORDERED, that any individual subsequently found on such property (other than those listed above or in the yard performing routine lawn maintenance or the removal of debris, snow and ice) may be charged with criminal contempt in the second degree in violation of Penal Law § 215.50(3), by resisting this mandate of the court.

Buffalo, New York
ENTERED: JULY 9, 2024



HON. PATRICK M CARNEY
Judge of Buffalo City Court

**IF YOU LIVE IN THIS HOUSE, YOU MAY
CONTACT THE FOLLOWING FOR
LEGAL & HOUSING SERVICES:**

NEIGHBORHOOD LEGAL SERVICES, HOUSING UNIT (716) 847-0650
CALL 211 TO FIND OUT IF YOU QUALIFY FOR RENT RELIEF FUNDING
VOLUNTEER LAWYERS PROJECT (716) 847-0662
LEGAL AID BUREAU OF BUFFALO (716) 853-9555
LEGAL SERVICES FOR THE ELDERLY, DISABLED, OR DISADVANTAGED
(716) 853-3087